

THE HONORABLE RICHARD A. JONES

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

F5 NETWORKS, INC.,

Plaintiff,

v.

RADWARE, INC.,

Defendant.

No. 2:16-cv-00480-RAJ

**STIPULATED MOTION AND
ORDER TO TRANSFER**

RADWARE, INC. and RADWARE, LTD.,

Counterclaim-Plaintiffs,

v.

F5 NETWORKS, INC.,

Counterclaim-Defendant.

1 Plaintiff F5 Networks, Inc., Defendant and Counterclaim-Plaintiff Radware, Inc.,
2 and Counterclaim-Plaintiff Radware Ltd., (together “Parties”) jointly stipulate and request
3 that the Court transfer this matter to the United States District Court for the Northern
4 District of California. The Parties have met and conferred and agree that this stipulated
5 motion is appropriate in response to a change in the precedent governing venue in patent
6 cases, and hereby stipulate as follows:

7 WHEREAS, on May 22, 2017, the Supreme Court issued a decision in *TC*
8 *Heartland v. Kraft Foods Group Brands LLC*, 581 U.S. ____ (2017),¹ holding that the patent
9 venue statute only permits suits against a corporation in a State in which the corporation is
10 incorporated or has a regular and established place of business;

11 WHEREAS, *TC Heartland* overturned a line of cases stemming from the Federal
12 Circuit’s decision in *VE Holding Corp. v. Johnson Gas Appliance Co.*, 917 F.2d 1574 (Fed.
13 Cir. 1990) which had tied patent venue to the general venue statute in 28 U.S.C. §1391(c)
14 and thus permitted patent suits to be brought wherever there was personal jurisdiction;

15 WHEREAS, Radware Inc. previously moved to dismiss this case for improper
16 venue (*see* ECF 21);

17 WHEREAS, this now overturned line of cases was the basis for venue in the
18 Western District of Washington in this case (*see* ECF 54 at 12-13);

19 WHEREAS, Radware, Inc. and Radware Ltd. represent that they are neither
20 incorporated nor have offices or any regular and established place of business in
21 Washington; and

22 WHEREAS, the Parties agree that venue is proper in the United States District
23 Court for the Northern District of California;

24
25
26 _____
¹ Opinion available at https://www.supremecourt.gov/opinions/16pdf/16-341_8n59.pdf.

1 IT IS HEREBY STIPULATED AND AGREED, that this case should be
2 transferred to the United States District Court for the Northern District of California.

3
4 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

5 Dated: May 25, 2017

6
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Counterclaim-Plaintiffs Radware, Inc.
and Radware, Ltd.*

ORDER

Based on the foregoing, IT IS SO ORDERED that this matter be transferred to the United States District Court for the Northern District of California. The court DIRECTS the Clerk to transfer this case to the United States District Court for the Northern District of California.

DATED: May 30, 2017



The Honorable Richard A. Jones
United States District Judge